

01-14-02

SENNIGER, POWERS, LEAVITT & ROEDEL ATTORNEYS AT LAW



M. BAIN JAMES J. BARTA, JR. G. HARLEY BLOSSER JOHN M. BODENHAUSEN RICHARD L. BRIDGE SARAH J. CHICKOS J. BENNETT CLARK JENNIFER E. COOK DAVID E. CRAWFORD, JR. MATTHEW L. CUTLER JAMES E. DAVIS KATHRYN J. DOTY ROBERT M. EVANS, JR. PAUL I.J. FLEISCHUT MICHAEL E. GODAR CHRISTOPHER M. GOFF

EDWARD J. HEJLEK KAREN Y. HUI KURT F. JAMES VINCENT M. KEIL ANTHONY R. KINNEY BRIAN P. KLEIN WILLIAM E. LAHEY IULIE I. McMURRY MICHAEL G. MUNSELL DEBRA D. NYE WILLIAM D. O'NEILL KATHLEEN M. PETRILLO LAURA R. POLCYN KEITH A. RABENBERG STEVEN M. RITCHEY JOHN K. ROEDEL, JR. RICHARD A. SCHUTH MICHAEL J. THOMAS DONALD W. TUEGEL

TACOB S. WHARTON

ONE METROPOLITAN SQUARE 16TH FLOOR ST. LOUIS, MISSOURI 63102 314-231-5400

January 11, 2002

FACSIMILE 314-231-4342 http://www.senniger.com

PATENTS, TRADEMARKS, COPYRIGHTS AND RELATED MATTERS

> OF COUNSEL IRVING POWERS DONALD G. LEAVITT RICHARD G. HEYWOOD

STUART N. SENNIGER (1921-1997)

UTILITY PATENT APPLICATION TRANSMITTAL

(new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket Number: MS#164036.2 (4933.1)

First Named Inventor: Raj Jhanwar Title: DYNAMIC SOFTWARE UPDATE

Express Mail Label Number: EL 937975699 US

Assistant Commissioner for Patents TO: Box Patent Application Washington, D.C. 20231

APPLICATION ELEMENTS

- Fee Transmittal Form [X] 1. (original and duplicate)
- Applicant claims small entity status 2.
- Specification [Total Pages 37] [X] 3.
- Drawings [Total Sheets <u>07</u>] [X]4.
- Oath or Declaration [Total Pages <u>06</u>] 5.
 - Newly executed (original or copy) [X]a.
 - New (unexecuted) []
 - b. [] Copy from a prior application (for continuation/divisional with Box 19 completed)
 - DELETION OF INVENTOR(s) [] Signed statement attached deleting inventor(s) named in prior application.

6.	The copy consi	Incorporation By Reference (useable if Box 5b is marked) entire disclosure of the prior application, from which a of the oath or declaration is supplied under Box 5b, is idered as being part of the disclosure of the mpanying application and is hereby incorporated by rence therein.
7.	[X]	Application Data Sheet
8.	[]	CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9.	[]	Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
		 a. [] Computer Readable Form b. [] Specification Sequence Listing on: i. [] CD-ROM or CD-R (2 copies); or ii. [] paper c. [] Statements verifying identity of above copies
		ACCOMPANYING APPLICATION PARTS
10.	[X]	Assignment Papers (cover sheet & document(s))
11.	[]	37 CFR 3.73(b) Statement [X] Power of Attorney
12.	[]	English Translation Document (if applicable)
13.	[X]	IDS with PTO-1449 [] Copies of IDS Citations
14.	[]	Preliminary Amendment
15.	[X]	Return Receipt Postcard
16.	[X]	Request and Certification for Non-Publication. Form PTO/SB/35 is attached.
17.	[]	Certified Copy of Priority Document(s) if foreign priority is claimed
18.	[]	Other:
		IF A CONTINUING APPLICATION, CHECK APPROPRIATE BOXES AND SUPPLY THE REQUISITE INFORMATION
19.	[]	Continuation [] Divisional [X] Continuation-in-Part of prior application No.: 10/004,073
	[]	Complete Application based on provisional Application No.
Pri	or app	plication information: Examiner: Group Art Unit:

CORRESPONDENCE ADDRESS

20. Correspondence Address: Customer Number 321 Attention: James J. Barta, Jr.

Respectfully submitted,

James J. Barta, Jr., Reg. No. 47,409

JJB/cjl

FEE TRANSMITTAL

Application Number Not yet assigned 'Filing Date January 11, 2002
Confirmation No. Not yet assigned
Inventor(s) Jhanwar et al.
Group Art Unit Not yet assigned
Examiner Name Not yet assigned
Attorney Docket Number MS#164036.2 (4933.1)

METHOD OF PAYMENT

- 1. [] The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345.
 - [X] The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17 to Deposit Account No. 19-1345.
 - [] Applicant claims small entity status.
- 2. [X] Check Enclosed. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

FEE CALCULATION

- 1. [X] BASIC FILING FEE Subtotal (1) \$740.00 (Type: <u>Utility</u>)
- 2. [X] EXTRA CLAIM FEES Subtotal (2) \$426.00

Total Claims 39
Independent Claims 04
Multiple Dependent Claims 00

- 3. [X] ADDITIONAL FEES Subtotal (3) \$40.00
 - [] Surcharge late filing fee or oath
 - [] Surcharge late provisional filing fee or cover sheet
 - [] Extension for reply within ____ month
 - [] Notice of Appeal
 - [] Filing a Brief in Support of an appeal
 - [] Request for ex parte Reexamination
 - [] Petitions to the Commissioner
 - [] Submission of Information Disclosure Statement
 - [X] Recording each patent assignment per property
 - [] Request for Continued Examination
 - [] Other: _____

TOTAL AMOUNT OF PAYMENT \$1,206.00

James J. Barta, Jr., Reg. No. 47,409

January 11, 2002

Date

JJB/cjl

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Jhanwar et al. For DYNAMIC SOFTWARE UPDATE

January 11, 2002

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Respectfully submitted,

James J. Barta, Jr., Reg. No. 47,409

SENNIGER, POWERS, LEAVITT & ROEDEL

One Metropolitan Square, 16th Floor

St. Louis, Missouri 63102

(314) 231-5400

Express Mail Label No. EL 937975699 US